



CHRISTOPHER X. MAHER, ESQ

SENTENCING MEMORANDUM

United States of America

V

Richard M. Valentine, Jr.

**Docket No.: 0208 7:19CR00168-
001(MSR)**

Sentence Date: 9/18/2019



CHRISTOPHER X. MAHER, ESQ

September 11, 2019

Honorable Nelson S. Roman
United States District Judge
Federal Building and
United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

VIA ECF

Re: **SENTENCING MEMORANDUM**

United States of America v Richard M. Valentine, Jr.
Docket No.: 0208 7:19CR00168-001(MSR)
Sentence Date: 9/18/2019

Your Honor,

Please accept defendant's application for a sentence variance below the Stipulated Guidelines Range.

Annexed hereto as (Exhibit A) is the March 25, 2019 letter from A.U.S.A. Andrew J. DeFilippis, Esq., setting forth the government's position on a sentence recommendation "Supervised release that does not include a further term of incarceration," (Page 2).

Defendant is a 24-year-old U.S. Citizen and the son of a career U.S. Army Officer Richard Valentine, Sr.

Defendant has no prior criminal history. Defendant graduated Haldane High School with honors in 2011. He received an academic scholarship to Chapman University in Orange, California for science.

While there, defendant became clinically depressed, sought professional help and ultimately withdrew from school in 2016, returning to his parents' home in Cold Spring, New York.

Mr. Valentine's parents were then empty nesters spending significant periods of time retired in Florida.

Defendant lived alone in Cold Spring, New York and began communicating on line with a young lady who lured him into the ISIS world. By this time, he had begun to think he was Jesus.

By the Spring 2018, his parents had become aware that defendant was suffering some type of psychotic episodes and had defendant psychiatrically admitted to Mid-Hudson Regional Hospital for 8 days. He thereafter attended outpatient psychiatric counselling at Spectrum Health in Fishkill, New York. The diagnosis was "schizophreniform disorder" and he was prescribed 400mg of Abilify by monthly injection and daily oral doses of Wellbutrin, Clozapine, and Vyvanse. The court and government are in possession of all medical and hospital records since November 2018.

On July 5, 2018, defendant was arrested and charged with violation of 18 USC 924 (a) (1)(A) Making a False Statement in a Firearm Filing (D Felony). He subsequently pleaded guilty to this count before this court on April 19, 2019. Defendant clearly demonstrated acceptance of responsibility for commission of the crime he pleaded guilty to April 19,2019.

Since the July 5, 2018 arrest, the defendant has been released, on a personal recognizance bond of \$100,000.00 with reporting and mental health treatment conditions.

Defendant has fully complied with the terms of his release conditions with his location monitor having been removed on April 19, 2019. He continues to be fully compliant.

His therapist Miriam Surval, LCSW, and his treating psychiatrist Dr. Mary Spitaletta M.D., submitted treatment reports wherein they stated that Mr. Valentine does not present a danger to himself or others.

Defendant clearly demonstrated acceptance of responsibility for commission of the crime he pleaded guilty to April 19,2019.

Defendant has since sat with government prosecutors and FBI and has provided substantial assistance to these agents in gaining a better understanding of how defendant (and numerous others) become lured into joining ISIS.

This individual has substantial community ties since he lives in the town his father was born and raised in. He suffered from a serious mental disorder that was being addressed by defendant and his parents several months before the FBI became involved in this matter in June 2018.

No objective would be enhanced by incarceration of defendant.

Defendant has already commenced the fall 2019 semester at Mount St. Mary's college in Newburgh as a matriculated business major. He takes 13 credit hours.

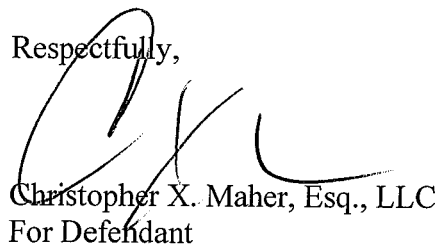
He continues with his medication as an out-patient of Dr. Spitaletta and Miriam Surval, L.C.S.W.

This individual has done everything ordered or recommended of him. Both his mental health treaters opine that he is not a danger to himself or others.

What happened to defendant could have happened to anyone.

Defendant's actions and acceptance of responsibility, his degree of naivete and the steps taken by him since before his arrest all warrant this application for a sentence variance below the Guidelines Range based upon factors set forth herein and with agreement of the Government.

Respectfully,



Christopher X. Maher, Esq., LLC
For Defendant

cc: Sandra Campbell
U.S. Probation Officer
Via E-Mail - sandra_campbell@nysp.uscourts.gov

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Assistant U.S. Attorney
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